

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26868 of 2005

Between:

The Toddy Tappers Co-Operative Society,
Hasthinapur Village, Saroomagar Mandal,
R.R Dist, Rep.By its President, K. Kiran Kumar Goud

..... PETITIONER

AND

The Proh & Excise Superintendent,
Ranga Reddy Dist, Hyderabad.

.....RESPONDENT

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The petitioner questions the order of the respondent dated 08.08.2005 in suspending the license of the petitioner toddy shop, TCS Hasthinapur village, Saroornagar Mandal, Ranga Reddy District and also questions the action of the respondent in not considering his representation dated 05.12.2005 for revoking the suspension order and to restore the TCS license.

The reading of the proceedings in COR.No.143/2005-06, dated 27.07.2005 goes to show that when the Excise officials inspected the toddy shop, Hastinapuram on 27.07.2005, they have found the adulterated toddy and also found Diazepam from the possession of Kolan Prabhakar Goud, who was shown as A2. It is stated that K.Kiran Kumar Goud is a President of the said society and the toddy was found adulterated with Diazepam and he was shown as A1. It is further stated that 500 grams of Diazepam was also recovered from the possession of A3. Therefore, the license was suspended by order dated 08.08.2005.

It is further stated that pursuant to the application of the petitioner dated 03.08.2005, requesting to send the sample bottles to the State Food Laboratory, Nacharam, Hyderabad, the samples were sent to the State Food Laboratory, Nacharam, Hyderabad as well as to the Regional Prohibition & Excise Laboratory, Hyderabad. It is stated that the Chemical Examiner, State Food Laboratory, Nacharam, Hyderabad vide his report dated 30.08.2005, opined that the sample of toddy is not adulterated with Diazepam and Chloral Hydrate, but only Saccharine was present, whereas the Chemical examiner of Regional Prohibition & Excise Laboratory vide his report dated 20.09.2005, opined that the sample of toddy is not found with Diazepam, but the sample of white powder is Diazepam. However, as enquiry is pending against the petitioner, I am not inclined to express any opinion whether the petitioner has committed adulteration of toddy or contravened any provisions of the A.P.Excise Act, 1968.

Having regard to the facts and circumstances of the case, the respondent is directed to complete the enquiry and pass appropriate final orders, in accordance with law, after giving a reasonable opportunity to the petitioner, within a period of six weeks,

from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 16.12.2005

Dsr